

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL ALLEN YOCOM,

Petitioner,

v.

KATHLEEN ALLISON, LAURA
ELDRIDGE, AND ATTORNEY
GENERAL,

Respondent.

Case No. 1:21-cv-00187-HBK

ORDER DENYING PETITIONER'S
EMERGENCY MOTION FOR RULING AND
MOTION TO COMPEL

(Doc. No. 14)

Petitioner Michael Allen Yocom, a state prisoner proceeding *pro se*, initiated this action by filing a petition for writ of habeas corpus under 28 U.S.C. § 2254 on February 16, 2021. (Doc. No. 1). Before the court is petitioner's emergency motion for ruling and hearing. (Doc. No. 14). Petitioner states that it has been over a month since he submitted his petition for writ of habeas corpus and urgently requests the court to rule on the merits of his petition and compel respondents to respond to the petition. (*See generally id.*).

Petitioner is advised that the court carries a heavy docket, but it nevertheless endeavors to consider all actions as expeditiously as possible. The court will conduct a preliminary review of the petition under Rule 4 of the Rules Governing Section 2254 Cases, and if appropriate, direct respondent to respond. *See* R. Governing § 2254 Cases 4; 28 U.S.C. § 2243. Because the court has not yet ordered respondents to respond to the petition, petitioner's motion to compel is

1 premature. As soon as any action is taken in this case, petitioner will receive notice and copies of
2 all court decisions in a prompt manner.

3 Finally, petitioner states that he is terminally ill and seeks compassionate release. (*Id.* at
4 4). This court lacks jurisdiction to order compassionate release because it is not the court of
5 petitioner's sentencing. Petitioner should seek this form of relief from his court of sentencing.
6 *See* Cal. Pen. Code § 1170(e)(1)(A); 15 CCR §§ 3076, 3076.3-3076.5.

7 Accordingly, it is ORDERED:

8 Petitioner's emergency motion for ruling and to compel respondent to respond to petition
9 (Doc. No. 14) is DENIED.

10
11 IT IS SO ORDERED.

12 Dated: April 9, 2021


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE